

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,)	
)	NO. CR-06-113-WFN
Plaintiff,)	
)	ORDER REGARDING DISCOVERY
v.)	AND PRETRIAL MOTIONS
)	
ANTHONY E. GARVER, a/k/a)	
Anthony E. Burke,)	
)	
Defendant.)	

OPEN FILE DISCOVERY

In voluntary discovery cases, the United States, within three (3) business days of the date of arraignment, shall deliver to the Defendant all investigative material in its file, required by the Federal Rules of Criminal Procedure, specifically including, but not limited to, police and incident reports and Defendant's criminal record. The United States shall continue to furnish discovery as received and complete the process within **ten (10) days** of the date of this Order. These directives assume a defense request for discovery pursuant to FED. R. CRIM. P. 16, and impose a reciprocal duty to provide discovery. If a Defendant does not wish to invoke the rule, the Defendant shall file a notice, prior to accepting discovery from the government.

NOTICE OF NON-DISCOVERY

If the United States, for any reason, is not going to

1 voluntarily provide all investigative material, it will serve and
2 file a notice to that effect within five (5) days of this Order. If
3 discovery received after the date of this Order is not going to be
4 voluntarily furnished, a notice to that effect shall be filed and
5 served within five (5) days of the United States' receipt of such
6 material. Absent the filing of such notice, all discovery shall be
7 promptly furnished consistent with the provisions of this Order.

8 **DEFENSE MOTIONS**

9 If the United States serves and files the five-day notice of
10 non-disclosure, Defendant shall file discovery motions within ten
11 (10) days thereafter. Except as earlier provided, and to prevent
12 manifest injustice, Defendant shall have thirty (30) days from
13 arraignment to file other motions.

14 **SCHEDULING MOTIONS**

15 Responses to motions shall be filed and served no later than
16 five (5) days, excluding weekends and holidays, from receipt of
17 motions. Replies, if any, shall be filed within five (5) days,
18 excluding weekends and holidays, of receipt of responses. Motions
19 shall be noted for hearing with or without oral argument, pursuant
20 to local rules. Unless shortened by the court, upon motion and good
21 cause shown, oral argument should be noted for the time of the
22 pretrial conference, provided this schedule permits all briefing to
23 occur within the time frame set forth in LR 7, Local Rules for the
24 Eastern District of Washington.

25 **NOTICE OF CONFLICT OF INTEREST**

26 The representation by one lawyer, or by different members of
27 one law firm, of two or more Defendants charged under the same
28 instrument or charged with factually related offenses will be

1 permitted only on a showing that no conflict does, or will likely
2 exist, or on a knowing waiver, executed in open court before a
3 federal district judge.

4 Counsel who plan to represent two or more Defendants charged
5 under the same instrument, or charged with factually related
6 offenses, shall immediately file a motion to secure prior approval
7 of such representation by the federal district judge to whom this
8 case is assigned.

9 In addition, counsel shall promptly investigate whether other
10 conflicts exist that may prevent representation, and bring any
11 potential conflicts to the attention of the court as soon as
12 possible.

13 **IT IS SO ORDERED.**

14 DATED November 9, 2006.

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16 S/ CYNTHIA IMBROGNO
17 UNITED STATES MAGISTRATE JUDGE
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